



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

August 5, 2015

Mr. Christopher James Murch
Radiation Safety Officer
Big Sky Civil & Environmental, Inc.
1324 13th Avenue Southwest
Great Falls, Montana 59404

SUBJECT: NRC INSPECTION REPORT NO. 030-38271/2015-001 AND NOTICE OF VIOLATION

Dear Mr. Murch:

This letter refers to the routine, unannounced inspection conducted on June 22, 2015, at your facilities in Great Falls, Montana. The inspection continued with in-office reviews through July 13, 2015. This inspection examined activities conducted under your license as they relate to safety and security, to compliance with the Commission's rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. The inspector discussed the preliminary inspection findings with you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted telephonically with you on July 13, 2015.

Based on the results of this inspection, the U.S. Nuclear Regulatory Commission (NRC) has determined that six Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations involved failures to: (1) periodically (at least annually) review the radiation protection program; (2) follow operating procedures to sign out portable gauges in a log book; (3) conduct a physical inventory every 6 months; (4) perform a sealed source leak test at required intervals; (5) provide Department of Transportation (DOT) training for transportation of hazardous materials, and (6) provide an assessment of gauge worker radiation exposure to justify the use of the gauges without radiation monitoring devices. During the exit briefing, we discussed our concern that the licensee's management oversight of the radiation safety program was not effective in preventing these violations. Management of the Big Sky Civil & Environmental, Inc. radiation protection program had not ensured license requirements were being implemented. In response, licensee management indicated that greater oversight over the program would be implemented to ensure compliance with NRC requirements.

You are required to respond to this letter and must follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason

for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, it's enclosure and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g. explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Should you have any questions regarding this letter or the enclosed Notice, please contact Mr. Don Stearns at 817-200-1176 or the undersigned at 817-200-1130.

Sincerely,

/RA/

G. Michael Vasquez, Chief
Nuclear Materials Safety Branch A
Division of Nuclear Materials Safety

Docket: 030-38271
License: 25-29387-01

Enclosure:
Notice of Violation (Notice)

cc w/encl: Montana Radiation Control
Program Director

for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1 and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g. explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

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By:		X Yes <input type="checkbox"/> No				
OFFICE	RIV:DNMS/NMSB-A		C:NMSB-A			
NAME	DLStearns		GMVasquez			
SIGNATURE	/RA/		/RA/			
DATE	7/30/2015		8/05/2015			

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NOTICE OF VIOLATION

Big Sky Civil & Environmental, Inc.
Great Falls, Montana

Docket: 030-38271
License: 25-29387-01

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted from June 22, 2015, through July 13, 2015, six violations of NRC requirements were identified. In accordance with NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c), requires in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between September 20, 2010, the date of the initial inspection, and June 22, 2015, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

This is a Severity Level IV violation (Section 6.7).

- B. License Condition 21 of NRC License 25-29387-01, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. Item 10 of the license application states, in part, that the licensee will implement and maintain the operating procedures in Appendix H to NUREG-1556, Volume 1.

The operating procedures in Appendix H to NUREG-1556, Volume 1 state, in part, that the licensee shall sign out the gauge in a log book, including the date of use, name of authorized user who will be responsible for the gauge, and the temporary job site where the gauge will be used.

Contrary to the above, between April, 2015, and June 22, 2015, the licensee failed to maintain a log book including the date of use, name of user, and jobsite. Specifically, gauge users transported gauges to temporary job sites without signing out the gauges in a log book, to include the date of use, name of authorized user who will be responsible for the gauge, and the temporary job site where the gauge will be used.

This is a Severity Level IV violation (Section 6.3).

- C. License Condition 15 of NRC License 25-29387-01 states, in part, that the licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, between September 20, 2010, the date of the initial inspection, and June 22, 2015, the licensee failed to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

This is a Severity Level IV violation (Section 6.3).

- D. License Condition 13 of NRC License 25-29387-01 states, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the NRC or by an Agreement State.

Enclosure

Contrary to the above, at various times between September, 2012, and May 12, 2015, the licensee failed to test sealed sources for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the NRC or by an Agreement State. Specifically, the licensee failed to test sealed sources associated with Seaman gauge, serial number L-308, from September 21, 2012, to April 4, 2014, a time period in excess of the required 6-month frequency for leak test by the certificate of registration. The licensee failed to test sealed sources associated with Troxler gauge, serial number 31578, from November 12, 2013, to April 12, 2015, a time period in excess of the required 1-year frequency for leak test specified by the certificate of registration.

This is a Severity Level IV violation (Section 6.3)

- E. License Condition 19 of NRC License 25-29387-01 states that the licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the US Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by Subpart H at least once every three years.

Contrary to the above, between June 27, 2014, and June 22, 2015, the licensee failed to ensure that hazmat employees who transport hazardous material on public highways receive the training required by Subpart H. Specifically, DOT training was last provided June 27, 2011. Recurrent training would have been required to be completed by June 27, 2014. On at least four occasions between June 27, 2014, and June 22, 2015, a licensee hazmat employee transported hazardous material without completion of the recurrent training required by 49 CFR 172 Subpart H.

This is a Severity Level IV violation (Section 6.8)

- F. License Condition 21 of NRC License 25-29387-01, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. Item 10 of the license application contained the licensee's commitment to "maintain documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20, or we will provide dosimetry processed and evaluated by a NVLAP-approved processor that is exchanged at a frequency recommended by the processor."

Contrary to the above, as of June 22, 2015, the licensee neither maintained documentation demonstrating that individuals are not likely to receive a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20, nor provided dosimetry processed and evaluated by a NVLAP-approved processor. Specifically, since receiving the NRC license in April, 2010, the licensee did not document that unmonitored workers are not likely to receive a radiation dose in excess of 10% of the limits, or provide dosimetry processed by a NVLAP-approved processor.

This is a Severity Level IV violation (Section 6.3)

Pursuant to the provisions of 10 CFR 2.201, Big Sky Civil & Environmental, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas, 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for the violation: (1) the reason for the violation or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance was, or will be, achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days. However, you are reminded to review your NRC security orders for superseding requirements that limit the release of information to certain individuals.

Dated this 05th day of August 2015